

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1) VIDEO GAMING TECHNOLOGIES, INC.,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:17-cv-00454-GKF-jfj
)	
1) CASTLE HILL STUDIOS LLC)	
(d/b/a CASTLE HILL GAMING);)	
2) CASTLE HILL HOLDING LLC)	
(d/b/a CASTLE HILL GAMING); and)	
3) IRONWORKS DEVELOPMENT, LLC)	
(d/b/a CASTLE HILL GAMING))	
)	
Defendants.)	

**PLAINTIFF’S MOTION TO SEAL MOTION AND BRIEF IN SUPPORT TO
EXCLUDE THE TESTIMONY OF W. TODD SCHOETTELKOTTE IN PART**

Pursuant to Local Rule 79.1, General Order In Re The Use of Confidential Information In Civil Cases (“GO 08-11”), and paragraph 2(f) of the Stipulated Protective Order (Dkt. 55), Plaintiff Video Gaming Technologies, Inc. (“VGT”), hereby requests that the Court enter an order to seal Plaintiff’s unredacted Motion and Brief in Support to Exclude the Testimony of W. Todd Schoettelkotte in Part (“the Motion to Exclude”) and Exhibits A, B, I, K, L, N, O, P, Q, R, U, W, X, and Y to the Declaration of Gary M. Rubman in Support of Plaintiff’s Motion to Exclude (“the Rubman Declaration”) (collectively, Dkt. 163). In support of this motion, Plaintiff states the following:

1. Portions of the Motion to Exclude contain information designated by Plaintiff and Defendants as Highly Confidential Information pursuant to paragraph 2(a) of the Stipulated Protective Order (Dkt. 55).

2. Portions of the Motion to Exclude contain discussion of deposition testimony that has been designated as Highly Confidential Information pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55).

3. Portions of the Motion to Exclude reference both Plaintiff's and Defendants' sensitive and/or proprietary financial information, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

4. Exhibit A to the Rubman Declaration consists of the Rebuttal Expert Report of W. Todd Schoettelkotte Relating to Damages. Pursuant to paragraphs 2(a)-(c) of the Stipulated Protective Order (Dkt. 55), Defendants ("CHG") have designated the entirety of this report as Highly Confidential.

5. Exhibit B to the Rubman Declaration consists of excerpts from the deposition testimony of W. Todd Schoettelkotte, dated September 22, 2018. Pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), counsel for CHG may seek to designate portions of Mr. Schoettelkotte's deposition transcript as Confidential Information, Highly Confidential Information, or Highly Confidential Source Code Information within thirty (30) days of receipt of the deposition transcript or copy thereof. Until the expiration of this thirty-day period, the entire deposition transcript must be treated as Highly Confidential Source Code.

6. Exhibit I to the Rubman Declaration consists of email correspondence between counsel for VGT and counsel for CHG dated between July 8 and July 9, 2018. This correspondence contains sensitive and proprietary trade secret information, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

7. Exhibit K to the Rubman Declaration consists of Schedule 11A to the Rebuttal Expert Report of W. Todd Schoettelkotte Relating to Damages. Pursuant to paragraph 2(b) of the Stipulated Protective Order (Dkt. 55), CHG has designated this schedule as Highly Confidential.

8. Exhibit L to the Rubman Declaration consists of email correspondence between counsel for VGT and counsel for CHG dated between September 24 and October 1, 2018. This correspondence contains deposition testimony from W. Todd Schoettelkotte, which pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), counsel for CHG may seek to designate as Confidential Information, Highly Confidential Information, or Highly Confidential Source Code Information.

9. Exhibit N to the Rubman Declaration consists of a document produced by VGT to CHG bearing Bates stamp VGT0006922. Pursuant to paragraphs 2(a) and 2(c) of the Stipulated Protective Order (Dkt. 55), VGT has designated this document as Confidential Information.

10. Exhibit O to the Rubman Declaration consists of excerpts from the deposition testimony of Alan R. Roireau, dated May 15, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

11. Exhibit P to the Rubman Declaration consists of excerpts from the deposition testimony of Paul Suggs, dated June 8, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

12. Exhibit Q to the Rubman Declaration consists of excerpts from the deposition testimony of Jason Sprinkle, dated May 18, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

13. Exhibit R to the Rubman Declaration consists of excerpts from the deposition testimony of Brandon Booker, dated July 10, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

14. Exhibit U to the Rubman Declaration is a document produced by CHG to VGT bearing Bates stamp CHG0033528. Pursuant to paragraphs 2(a) and 2(c) of the Stipulated Protective Order (Dkt. 55), CHG has designated this document as Highly Confidential Information.

15. Exhibit W to the Rubman Declaration is a document produced by CHG to VGT bearing Bates stamps CHG0041144-45. Pursuant to paragraphs 2(a) and 2(c) of the Stipulated Protective Order (Dkt. 55), CHG has designated this document as Highly Confidential Information.

16. Exhibit X to the Rubman Declaration is a document produced by CHG to VGT bearing Bates stamps CHG0090195-218. Pursuant to paragraphs 2(a) and 2(c) of the Stipulated Protective Order (Dkt. 55), CHG has designated this document as Highly Confidential Information.

17. Exhibit Y to the Rubman Declaration consists of excerpts from the deposition testimony of Jon Yarbrough, dated July 11, 2018, which, pursuant to paragraph 2(c) of the Stipulated Protective Order (Dkt. 55), should be treated as Highly Confidential Information.

18. In accordance with Local Rule 79.1, GO 08-11, and the Stipulated Protective Order, Plaintiff has filed both a public, Redacted Motion to Exclude, and a public, Redacted Declaration of Gary M. Rubman in Support of Plaintiff's Motion to Exclude, (collectively, Dkt. 159), as well as a sealed, unredacted Plaintiff's Motion to Exclude, and a sealed, unredacted Rubman Declaration (collectively, Dkt. 163).

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting sealing the Motion to Exclude and Exhibits A, B, I, K, L, N, O, P, Q, R, U, W, X, and Y to the Rubman Declaration (collectively, Dkt. 163).

October 12, 2018

Respectfully submitted,

/s/ Gary Rubman

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CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2018, I filed the foregoing via CM/ECF, which caused the foregoing to be served on the following counsel for Defendants:

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